

Message Text

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PAGE 01 STATE 043871
ORIGIN EB-08

INFO OCT-01 EUR-12 IO-13 ISO-00 FCC-01 CCO-00 CIAE-00
OTPE-00 INR-10 NSAE-00 OC-06 USIA-06 COME-00
BIB-01 /058 R

DRAFTED BY EB/TD:RBWHEATLEY:PB
APPROVED BY EB/TD:GLHUFFCUTT
EUR/WE:MCRAMERUS
FCC:RGOSSE
FCC:JCOPEs

-----097429 190830Z /20

R 180825Z FEB 78
FM SECSTATE WASHDC
TO AMEMBASSY PARIS
INFO AMEMBASSY LONDON
USMISSION GENEVA

LIMITED OFFICIAL USE STATE 043871

E.O. 11652: NA

TAGS: ETEL, FR

SUBJECT: FRENCH DEMARCHE TO DEPARTMENT EXPRESSING CONCERN
RE FCC TAT-7 DECISION.

REF: A) PARIS 4902; B) LONDON 2296

1. MESSERS. BERNARD DU CHAFFAUT, SECOND SECRETARY AND

JEAN JUNG, SCIENTIFIC ATTACHE, OF THE FRENCH EMBASSY CALLED
ON FEBRUARY 16 ON MRS. RUTH PHILLIPS, DIRECTOR, OFFICE OF
INTERNATIONAL COMMUNICATIONS POLICY, EB/TD, TO MAKE A
DEMARCHE RE FEDERAL COMMUNICATIONS COMMISSION'S
DECEMBER 21, 1977 DECISION WHICH CONCLUDED THAT A SEVENTH
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SUBMARINE CABLE (TAT-7) BETWEEN US AND EUROPE WAS
UNNECESSARY IN THE 1978-85 TIME PERIOD. IN EXPRESSING
CONCERN WITH THIS DECISION FRENCH EMB REPS READ FROM
GOVERNMENT "NON-PAPER" THAT FCC IN REACHING ITS CONCLUSION
DID NOT GIVE SUFFICIENT WEIGHT TO THE FRENCH PTT AND
OTHER EUROPEAN PTT'S (CEPT MEMBER COUNTRIES) CANADIAN, AND
U.S. CARRIERS' NEGOTIATIONS OVER THE PAST SEVERAL YEARS

WHICH, FRENCH STATED, CULMINATED IN AN AGREEMENT, PRIOR TO FCC DECISION, THAT CONSTRUCTION OF THE CABLE WAS NEEDED IN THE 1981 TIME FRAME. FRENCH GOVERNMENT URGED FCC RECONSIDERATION OF ITS DECISION AND REQUESTED CONSULTATIONS BETWEEN U.S. AND CEPT COUNTRIES BE CONTINUED IN ORDER TO FIND A SOLUTION ACCEPTABLE TO ALL PARTIES.

2. RE REF A REQUEST FOR BACKGROUND, UNDER LAW, THE FEDERAL COMMUNICATIONS COMMISSION (FCC) HAS THE PRIMARY RESPONSIBILITY FOR DECISION ON APPLICATIONS FOR CONSTRUCT-

TION AND USE OF PUBLIC TELECOMMUNICATIONS FACILITIES. FCC DECIDED (DECEMBER 21, 1977) WITH ONE FULL DISSENT AND ONE PARTIAL DISSENT, THAT ON THE BASIS OF THE RECORD BEFORE IT, IT COULD FIND NO APPARENT JUSTIFICATION FOR INSTALLATION OF ANY MAJOR TRANSMISSION FACILITY BEYOND THE INTELSAT V (UNDER CONSTRUCTION), IN CONJUNCTION WITH EXISTING CABLE AND SATELLITE FACILITIES IN THE PERIOD 1978-85. THE SEVENTH SUBMARINE CABLE BETWEEN THE US AND EUROPE HAD BEEN SOUGHT BY 26 EUROPEAN PTT'S, CANADA, AND ALL BUT ONE OF THE U.S. INTERNATIONAL COMMUNICATIONS CARRIERS. FCC CONCLUDED THAT COMMUNICATIONS FACILITIES ALREADY PLANNED WOULD BE ADEQUATE TO HANDLE TRAFFIC REQUIREMENTS FORECAST FOR THIS PERIOD. FCC COULD NOT FIND THAT BENEFITS TO BE DERIVED FROM CONSTRUCTION OF A CABLE WOULD BE COMMENSURATE WITH COSTS TO BE BORNE BY U.S. LIMITED OFFICIAL USE

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RATEPAYER. FCC ALSO SAID IT WOULD REINSTITUTE APPROPRIATE RULE-MAKING PROCEEDINGS TO REVIEW ITS POLICY DETERMINATIONS SHOULD ANY PARTY PRESENT SUFFICIENT INFORMATION WARRANTING SUCH ACTION. FCC HAS RECEIVED A NUMBER OF PETITIONS FOR RECONSIDERATION OF THE DECISION.

PRIOR TO FCC'S DECISION IN DECEMBER, THE DEPARTMENT ADVISED THE COMMISSION THAT INTERNATIONAL COMITY AND, INDEED, AN EFFECTIVE PARTNERSHIP WITH FOREIGN TELECOMMUNICATIONS AUTHORITIES, OBLIGED EACH PARTY, INCLUDING THE UNITED STATES, TO TAKE INTO ACCOUNT THE LEGITIMATE COSTS INCURRED BY ALL OTHER PARTIES IN IMPLEMENTING PARTICULAR INTERNATIONAL FACILITIES ARRANGEMENTS. WE EXPRESSED THE HOPE THAT AN ACCOMMODATION MIGHT BE FOUND IN THE CASE OF TRANSATLANTIC FACILITY WHEREBY AN EQUITABLE BURDEN FELL ON EACH AFFECTED PARTY.

IN ITS DECISION OF DECEMBER 1977, THE COMMISSION TOOK SPECIFIC RECOGNITION OF THE SIGNIFICANCE OF INTERNATIONAL COMITY IN THE DECISION MAKING PROCESS, BUT SAID ADDITIONAL FACILITIES COULD NOT BE JUSTIFIED ON THE BASIS OF THE COST DATA WHICH HAD BEEN FURNISHED TO IT IN THE

COURSE OF THE PROCEEDINGS. COMMISSION NOTED SPECIFICALLY
LACK OF COST DATA REQUESTED IN CONSULTATIONS WITH CEPT
COUNTRIES.

3. THE DEPARTMENT HAS RECEIVED REF B FROM LONDON
(BEING REPEATED TO PARIS) AND WE ARE INFORMED THAT AT
LEAST ONE OTHER DEMARCHE, (BONN) MAY BE MADE. WE ARE
CONSIDERING LETTER OF COMMENT TO FCC BRINGING THE
COMMISSION'S ATTENTION TO THE CONCERNS EXPRESSED IN SUCH
REPRESENTATIONS. WE WILL KEEP EMBASSIES INFORMED OF
STATUS OF DEPARTMENT'S RESPONSE. VANCE

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ORIGIN EB-03

INFO OCT-01 ISO-00 EUR-03 /007 R

DRAFTED BY:EB:TD:ALFREEMAN
APPROVED BY:EB:TD:GLHUFFCUTT
EUR:CE:MR. CASAGRANDE (INFO)
-----006120 161450Z /14
R 161200Z MAR 78
FM SECSTATE WASHDC
TO AMEMBASSY BONN

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FOLLOWING TELEGRAM FROM SECSTATE WASHDC DATED FEBRUARY 18,
1978 SENT PARIS INFO LONDON, GENEVA IS REPEATED TO YOU:
QUOTE

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E.O. 11652: NA

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DEMARCHE, COMMUNICATION LINES, TELEPHONES
Control Number: n/a
Copy: SINGLE
Draft Date: 18 feb 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE043871
Document Source: CORE
Document Unique ID: 00
Drafter: RBWHEATLEY:PB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780077-0222
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780236/aaaabejx.tel
Line Count: 252
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 131e61d3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 PARIS 4902, 78 LONDON 2296
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 05 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: N/A
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3545251
Secure: OPEN
Status: NATIVE
Subject: FRENCH DEMARCHE TO DEPARTMENT EXPRESSING CONCERN RE FCC TAT-7 DECISION.
TAGS: ETEL, FR, US
To: PARIS
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/131e61d3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014